

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GERALDINE R WURTZEL**  
Claimant

**INFASTECH DECORAH LLC**  
Employer

**APPEAL 21A-UI-01275-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Geraldine Wurtzel (claimant) appealed a representative's December 10, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits because she was unable to work the week ending August 29, 2020, with Infastech Decorah (employer) due to personal reasons and obligations. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 17, 2021. The claimant participated personally. The employer participated by Alice Bjergum, Human Resources Manager. The administrative law judge took official notice of the administrative record.

**ISSUE:**

The issue is whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant has worked for the employer since June 22, 1998. Currently she is a full-time bag operator. Each year she goes to the Sturgis Motorcycle Rally with her boyfriend, who was diagnosed with a medical condition. In 2020, the doctor gave permission for the claimant's boyfriend to go to the rally. The employer notified the claimant it would determine if she would quarantine after return from vacation. The quarantine could be as long as fourteen days, depending on the claimant's activities.

The claimant went on vacation and stayed in a small campsite outside of Sturgis, South Dakota. The couple went into Sturgis, South Dakota, and did not wear personal protective equipment. The claimant was on vacation from August 7, 2020, through August 14, 2020.

The claimant returned from vacation and contacted the human resources manager. She said the bikes stopped working and the couple got a ride into Sturgis, South Dakota. They were not wearing masks while in town. Based on the claimant's information and the designation of the Sturgis Motorcycle Rally as a "super spreader event", the employer placed the claimant on a fourteen-day quarantine to protect the company. The claimant was on quarantine for the two weeks ending August 29, 2020.

The claimant filed for unemployment insurance benefits with an effective date of April 5, 2020. Her weekly benefit amount was determined to be \$481.00. The claimant received benefits of \$481.00 per week from April 12, 2020, to the week ending April 25, 2020. This is a total of \$962.00 in state unemployment insurance benefits after April 5, 2020. She also received \$1,200.00 in Federal Pandemic Unemployment Compensation for the two-week period ending April 25, 2020.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

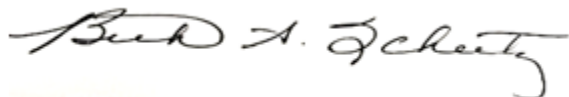
The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). When employees are unable to perform work due to a medical condition, they are considered to be unavailable for work. The claimant notified the employer she attended a large event without personal protective equipment. The event was a "super spreader event". To prevent the spread of a deadly virus, the employer removed and quarantined the claimant from the workplace. She was not able and available for work during that period. The claimant is disqualified from receiving unemployment insurance benefits from August 23, 2020, through August 29, 2020.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

**DECISION:**

The representative's December 10, 2020 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits from August 23, 2020, through August 29, 2020.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



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Beth A. Scheetz  
Administrative Law Judge

March 1, 2021  
Decision Dated and Mailed

bas/lj